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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/601,126	09/22/2000	Tatsushi Nashida	450101-02198	5640
20999	7590	04/07/2005	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			TRAN, HAI V	
			ART UNIT	PAPER NUMBER
			2611	
DATE MAILED: 04/07/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/601,126

Applicant(s)

NASHIDA ET AL.

Examiner

Hai Tran

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments, with respect to the 35 U.S.C. § 112 1st Paragraph have been fully considered are persuasive and accepted. Therefore, 35 U.S.C. § 112 1st Paragraph rejection has been withdrawn in view of amended independent claims 1 and 4.

Applicant's arguments with respect to claim rejection 35 USC § 102 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-8, 9 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Florin et al. (US 5583560) in view of Kikinis et al (US 2002/0166122).

Regarding claim 1, Florin discloses an information providing apparatus (Fig. 1-2, element 54) for displaying information on a screen (Fig. 6-50), based on information data provided through a plurality of information sources (Fig. 1, elements 50, 56, 57), characterized by comprising:

Means 67 for obtaining (1st) index information (television program listing; Col. 2, lines 53-59; Col. 10, lines 61-65+) from a 1st information source 50 of the plurality of information sources;

means 69 for obtaining (2nd) index information (i.e., listing of all programs recorded on the VCR; Col. 16, lines 40-50) from a 2nd information source (i.e., VCR 56) of the plurality of information sources;

means (TV 58) for displaying a categorized menu on the screen (Fig. 22-35 menu of icons/still images; Col. 3, lines 13-21 and Col. 20, lines 51-65), based on the obtained (1st and 2nd) index information from the 1st and 2nd information (Col. 20, lines 28-31); and

means (Fig. 3, element 63) for obtaining necessary information from the 1st or 2nd information source, in response to selection operation on the menu screen, and for displaying information based on the necessary information (Fig. 33, elements 380, 375 Col. 20, lines 34-50).

Wherein the menu screen is arranged to display the information in a plurality of dimensions (two-dimensional icons) and levels (plurality of sub-menu; i.e., user select icon 315 of Fig. 28; in which the screen display the second level of sub-menu 360) such that a substantial portion of the necessary information (el. 360 or 300) can be seen and navigated on a minimum number of screens to enable relatively easy programming decisions and selections.

Florin does not clearly disclose wherein the 1st index information includes representative information indicating scene changes in the information data provided through the 1st information source.

Kikinis, in a similar art, discloses wherein the index information includes representative information indicating scene change in the information data provided through the information source (Fig. 3, 4A-B; Page 2, sect. 0029; page 3, sect. 0038-0039; Page 5, sect. 0049-0050). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Florin with Kikinis so to provide to user an alternative EPG presentation in which user selects a list of programs or channels to be displayed as thumbnail video images.

Regarding claim 2, Florin further discloses wherein the necessary information is index information (i.e., EPG program information; Col. 10, lines 61-66 with channel number provided from the service provider 50) for displaying the categorized menu (Col. 15, lines 17-40).

Regarding claim 3, Florin further discloses that the index information from the 1st information source 52 (Fig. 2; television program listing) is obtained through the network 52 of Fig. 1 (Col. 2, lines 53-59 and Col. 10, lines 45-65+).

Regarding claim 4, method claim 4 is analyzed with respect to apparatus claim 1.

Regarding claim 5, Florin further discloses wherein the necessary information is index information (i.e., EPG program information; Col. 10, lines 61-66 with channel number provided from the service provider 50) for displaying the categorized menu (Col. 15, lines 17-40).

Regarding claim 6, Florin further discloses that the index information from the 1st information source 52 (Fig. 2; television program listing) is obtained through the network 52 of Fig. 1 (Col. 2, lines 53-59 and Col. 10, lines 45-65+).

Regarding apparatus claim 7 and method claim 8, Florin further discloses wherein the minimum number of screens is one (Fig. 22-35).

Regarding claims 9 and 13, Kikinis further discloses wherein the 1st index information includes a plurality of still images indicating scene changes in the information data provided through the information source (Fig. 3, 4A-B; Page 2, sect. 0029; page 3, sect. 0038-0039; Page 5, sect. 0049-0050).

2. Claims 10-12, 14, and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Florin et al. (US 5583560) in view of Kikinis et al (US 2002/0166122) and further in view of Hatori et al. (US 5977974).

Regarding claims 10, 11, 12, 14, 15, 16 and 17, Florin in view of Kikinis does not disclose displaying the plurality of still images in a temporal sequence so that

relationships among the plurality of still images can be view in time series, and wherein the plurality of still images includes arranging the plurality of still images in a spiral layout, in increasingly smaller size toward the center of the spiral layout; controlling and moving the plurality of still images in the spiral layout, such that as more temporally current still images come into view on the outermost arm of the spiral layout, temporally older still images move spirally inward toward the center of the spiral layout.

Hatori discloses displaying the plurality of still images in a temporal sequence so that relationships among the plurality of still images can be view in time series (Col. 19, lines 40-65+), and wherein the plurality of still images includes arranging the plurality of still images in a spiral layout, in increasingly smaller size toward the center of the spiral layout; controlling and moving the plurality of still images in the spiral layout, such that as more temporally current still images come into view on the outermost arm of the spiral layout, temporally older still images move spirally inward toward the center of the spiral layout (Col.20, lines 1-50). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Florin with Hatori so user can easily have a sense of time intervals or depth so that the user can intuitively have a sense of temporal order (Col. 2, lines 38-53).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Tran whose telephone number is (571) 272-7305. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher C. Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HT:ht
04/01/2005


HAITRAN
PRIMARY EXAMINER